

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROY WILSON,

Plaintiff,

Case No. 17-12052

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER GRANTING MOTION FOR ATTORNEY FEES
PURSUANT TO § 406(b) OF THE SOCIAL SECURITY ACT [ECF No. 19]

On November 29, 2017, this court remanded plaintiff's case under sentence four of 42 U.S.C. § 405(g). On December 14, 2017, the parties stipulated to, and the court ordered, an award of attorney fees to plaintiff's counsel under the Equal Access to Justice Act 28 U.S.C. § 2412 ("EAJA"), in the amount of \$3,937.50. Upon remand, the Social Security Administration ("SSA") found the plaintiff disabled as of September 12, 2014. SSA issued an information letter on March 14, 2019 providing for SSI back payments of \$26,003.09 to plaintiff. This matter is now before the court on plaintiff's attorney's motion for an award of reasonable attorney fees in accordance with 42 U.S.C. § 406(b).

Plaintiff's attorney contends that a fee of \$6,500.00, representing approximately 25% of the total past due benefits awarded to plaintiff, is reasonable in accordance with § 406 and applicable case law. The court is to consider the character of the representation, the result obtained, and the size of the benefits in comparison to the time spent by counsel.

Gisbrecht v. Barnhart, 535 U.S. 789, 808 (2002). This court has considered the relevant factors and concludes that a fee of \$6,500.00 is in fact reasonable in this case. Now, therefore,

IT IS HEREBY ORDERED that plaintiff's attorney's motion for an attorney fee award of \$6,500.00 is GRANTED.

IT IS HEREBY FURTHER ORDERED that plaintiff's counsel is required to refund the EAJA fee award.

Dated: April 30, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 30, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk